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District Attorney

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March 20, 2017



Gabriel Harvis, Esq.,  
Harvis & Fett, LLP  
305 Broadway, 14<sup>th</sup> Floor  
New York, New York 10007

Re: *Xing Min Zhuang v. City of New York, et.al.*,  
Civil Action No. 15-CV-6325 (KAM) (RML)

Dear Mr. Harvis:

The Queens County District Attorney's Office objects to your subpoena, pursuant to Rule 45 of the Federal Rules of Civil Procedure, in accord with Rule 45(c)(2)(A) of the Federal Rules of Civil Procedure (F.R.C.P.). Please note that no federal subpoena fee accompanied the subpoena. Kindly remit the \$45.00 fee.

On March 6, 2017, our office received your subpoena for production of documents and materials on or before March 20, 2017. The subpoena requires disclosure of privileged or otherwise protected material, as it directs this Office to produce "QCDA's files regarding the prosecutions PSNY v. Stephen Anderson and PSNY v. Adolph Osback."

As an initial matter, a search for "Adolph Osback" returns a case that has been sealed pursuant to section 160.50 of the Criminal Procedure Law. It thus cannot be accessed or disclosed without a court-ordered unsealing order.

*Xing Min Zhuang v. City of New York*  
March 20, 2017

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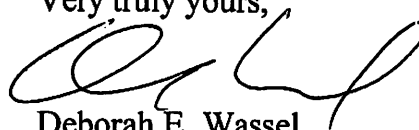
Furthermore, this Office raises a general objection to your request on the grounds, of vagueness, failure to demonstrate relevance, and over-breadth. The request fails to identify the documents sought with sufficient particularity. Indeed, a search of the People's files for a defendant named "Stephen Anderson" returns results for several different individuals. Thus, this request is vague and overbroad, improperly seeks irrelevant information, and unduly burdens this Office.

In addition, your demand that such documents be produced by March 20, 2017, does not allow a reasonable time to comply. *See* Rule 45(c)(3)(A)(i).

The Queens County District Attorney's Office reserves the right to amend this Rule 45 letter to raise detailed objections at a later time. And this Office's decision not to raise them in this letter should not be construed as a waiver of any right. The Office also reserves the right to seek copying costs associated with responding to the subpoena.

Should you believe that court action pursuant to Rule 45(c)(2)(B) is necessary, please afford reasonable notice.

Very truly yours,



Deborah E. Wassel  
Assistant District Attorney  
(718) 286-5860

cc: United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

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Eastern District of New York  
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Brooklyn, New York 11201

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